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First Named Inventor

Khalfay

Art Unit

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Examiner Name

Truc T. Chuong

Attorney Docket Number

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ENCLOSURES (check all that apply)

☐ Fee Transmittal Form

☐ Fee Attached

☐ Amendment / Reply

☐ After Final

☐ Affidavits/declaration(s)

☐ Extension of Time Request

☐ Express Abandonment Request

☐ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☐ Reply to Missing Parts/
Incomplete Application

☐ Reply to Missing Parts
under 37 CFR 1.52 or 1.53

☐ Drawing(s)

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☐ Petition

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Provisional Application

☐ Power of Attorney, Revocation
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

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Moser, Patterson & Sheridan, LLP

Signature

Printed Name

Joseph Pagnotta, Agent

Date

January 14, 2005

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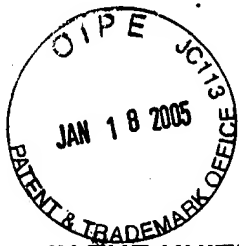
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of: Khalfay

Serial No.: 09/727,569

Confirmation No.: 6726

Filed: November 30, 2000

For: COMPUTER USER
INTERFACES THAT ARE
GENERATED AS NEEDED

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Group Art Unit: 2174

Examiner: Truc T. Chuong

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<u>1-14-05</u>	<u>C. Wilson</u>
Date	C. Wilson

Dear Sir:

APPEAL BRIEF

Applicants submit this Appeal Brief to the Board of Patent Appeals and Interferences on appeal from the decision of the Examiner of Group Art Unit 2174 dated June 14, 2004, finally rejecting claims 11-12. Please charge the fee of \$500.00 for filing this brief to Deposit Account No. 20-0782.

01/19/2005 EABUBAK1 00000010 200782 09727569

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Real Party in Interest

The real party in interest is the Lucent Technologies Inc.

Related Appeals and Interferences

Appellant asserts that no appeals or interferences are known to the Appellant, the Appellant's legal representative, or assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

Status of Claims

Claims 1-13 were originally presented in the application. Claims 11 and 12 are pending in the application and stand rejected in view of Hanson et al. (U.S. Patent No. 5,956,736, issued September 21, 1999) as discussed below. The rejection of claims 11 and 12 based on the cited references is appealed. The pending claims are shown in the attached Appendix.

Status of Amendments

In a first Office Action dated May 12, 2003, the Examiner rejected claims 1-10 and 13, under 35 U.S.C. § 102. No claims were rejected under 35 U.S.C. § 102 or 103. The Examiner indicated that claims 11 and 12 contained allowable subject matter but were dependent upon a rejected base claim. A first amendment was filed on October 14, 2003 to overcome the first Office Action. In reply to the first Office Action, the Appellant filed a first response canceling claims 1-10 and 13 and amending claims 11 and 12 to independent form.

The Examiner responded to Appellant's October 14, 2003 first amendment in a second Office Action dated December 31, 2003. In the second Office Action, the Examiner cited a new reference to reject claims 11 and 12 under 35 U.S.C. § 102. No claims were rejected under 35 U.S.C. § 103.

A second response was filed on March 31, 2004 to overcome the second Office Action. The second response included arguments directed to traverse the Examiner's rejections in the second Office Action. No changes were made to claims 11 and 12.

The Examiner responded to Appellant's March 31, 2004 second response in a third and Final Office Action dated June 14, 2004. In the third Office Action, the Examiner reiterated his rejection of claims 11 and 12 under 35 U.S.C. § 102 and provided more detailed reasoning for disagreeing with Appellant's arguments provided in the second response.

A Response after Final Office Action under 37 C.F.R. § 1.116 was filed on August 31, 2004. The Response included arguments to traverse the Examiner's rejections in the Final Office Action. No changes were made to claims 11 and 12.

To date, the Examiner has yet to respond to Appellant's Response after Final Office Action (with an Advisory Action Notice of Allowance, etc.). Accordingly, the status of claims 11 and 12 remained unchanged.

Summary of Claimed Subject Matter

The present invention is an apparatus and method for providing a graphical user interface (GUI) that can be dynamically changed during use of the GUI. In particular, the “look and feel”, the user interaction techniques, the overall structure and appearance of the interface, and the natural language used can be changed during the use of GUIs generated by the present invention. That is, a GUI provided by the present invention may be dynamically (re)configured and does not require code compilations or require additional code to be written to provide various GUI operations. To provide such dynamic (re)configuration and/or (re)generation of GUIs, the present invention uses user interaction templates (e.g., for screens, forms, dialog boxes, hierarchical tree views of, e.g., files and/or menus, etc.). Such templates may be provided in, a central configuration data base and may specify a common or uniform set of user interaction techniques for interacting with an application substantially independently of the user’s language, culture or the geographical region he/she is located.

The present invention accomplishes these objectives by providing a system for presenting one or more user interfaces. This system includes:

- a data repository for storing a first user interaction specification providing data for substantially defining one or more instances of user interaction techniques for presentation to a user interacting with a computer application, wherein each user interaction technique has a distinct collection of user interactions for allowing a user to request a performance of one of a predetermined one or more actions provided by the technique for accessing a functionality of the computer application; and

- a user interface generator for accessing the first user interaction specification and generating a corresponding user interface for the computer application, wherein with each activation of the computer application, the user interface generator generates the corresponding user interface. For a change in the first user interaction specification within the data repository such that a first data descriptor for a first of the first user interaction techniques is changed to a second data descriptor for a different second user interaction technique, the user interface generator generates code

for presenting the second user interaction technique in place of the first user interaction technique when the user requests access to a functionality of the computer application that had been previously accessible by the first user interaction technique. A user interface builder for allowing a user interface designer to create a second user interaction specification for replacing the first user interaction specification in the data repository is also included. The user interface builder has a user interface wherein the designer is able to drag and drop graphical representations of user interaction controls onto a page of the second user interface. A similar apparatus, also in accordance with the subject invention, includes the first two components described above and an instance of the data repository and an instance of the user interface generator at each of a plurality of remote Internet sites, wherein for each instance, DB, of the data repository, the first user interaction specification therein identifies a user interface layout and language that is preferable to a user at the Internet site for DB.

The Appellant will now summarize independent claims 11 and 12, and specify where support can be found in the specification and drawings, if any. It should be understood that the appealed claims may read on other portions of the specification or other figures that are not listed below.

In one embodiment of the invention, the apparatus comprises a data repository (collectively databases 24, 76, 84, 88 and 92) for storing first user interaction specification information providing data for defining one or more instances of user interaction techniques for presentation to a user interacting with a computer application (Page 13, line 8 – Page 15, line 5; Page 17, line 11 – Page 18, line 9). There is a user interface generator (20) for accessing said first user interaction specification information (Page 15, lines 20-21) and generating a corresponding user interface for the computer application (Page 15, lines 21-24), wherein with each activation of the computer application, said user interface generator generates said corresponding user interface. When there is a change in said first user interaction specification information within said data repository such that a first data descriptor for a first of said first user interaction techniques is changed in said first user interaction specification information to a second data descriptor for a different second user interaction technique during an activation of

the computer application (Page 6, line 18 – Page 7, line 15; Page 8, line 7-15 and Page 21, line 14 – Page 23, line 8 (and particularly Page 22, line 21- Page 23 line 2)), said user interface generator generates code for presenting said second user interaction technique in place of said first user interaction technique when the user requests access to a functionality of the computer application that had been previously accessible by said first user interaction technique (ibid). Additionally, there is a user interface builder (104) for allowing a user interface designer to create a second user interaction specification information for replacing said first user interaction specification information in said data repository, wherein said user interface builder has a user interface wherein the designer is able to drag and drop graphical representations of user interaction controls onto a page of said second user interface (Page 15, lines 11-24).

For the convenience of the Board of Patent Appeals and Interferences, Appellant's claims 11 and 12 are presented below in claim format with elements read on FIG. 2 of the drawings and appropriate citations to at least one portion of the specification for each element of the appealed claims.

Claim 11 positively recites (with reference numerals, where applicable, and cites to at least one portion of the specification added):

11. An apparatus for providing one or more user interfaces (100) for a computer application, comprising:
 - a data repository (collectively 24, 76, 84, 88 and 92) for storing first user interaction specification information providing data for substantially defining one or more instances of user interaction techniques for presentation to a user interacting with a computer application, wherein each said user interaction technique has a distinct collection of user interactions for allowing a user to request a performance of one of a predetermined one or more actions provided by the technique for accessing a functionality of the computer application;
 - a user interface generator (20) for accessing said first user interaction specification information and generating a corresponding user interface for the computer application, wherein with each activation of the computer application, said user interface generator generates said corresponding user interface;
 - wherein for a change in said first user interaction specification information within said data repository such that a first data descriptor for a first of said first user interaction techniques is changed in said first user

interaction specification information to a second data descriptor for a different second user interaction technique during an activation of the computer application, said user interface generator generates code for presenting said second user interaction technique in place of said first user interaction technique when the user requests access to a functionality of the computer application that had been previously accessible by said first user interaction technique; and

a user interface builder (104) for allowing a user interface designer to create a second user interaction specification information for replacing said first user interaction specification information in said data repository, wherein said user interface builder has a user interface wherein the designer is able to drag and drop graphical representations of user interaction controls onto a page of said second user interface.

Claim 12 positively recites (with reference numerals, where applicable, and cites to at least one portion of the specification added):

12. An apparatus for providing one or more user interfaces (100) for a computer application, comprising:

a data repository(collectively 24, 76, 84, 88 and 92) for storing first user interaction specification information providing data for substantially defining one or more instances of user interaction techniques for presentation to a user interacting with a computer application, wherein each said user interaction technique has a distinct collection of user interactions for allowing a user to request a performance of one of a predetermined one or more actions provided by the technique for accessing a functionality of the computer application;

a user interface generator (20) for accessing said first user interaction specification information and generating a corresponding user interface for the computer application, wherein with each activation of the computer application, said user interface generator generates said corresponding user interface;

wherein for a change in said first user interaction specification information within said data repository such that a first data descriptor for a first of said first user interaction techniques is changed in said first user interaction specification information to a second data descriptor for a different second user interaction technique during an activation of the computer application, said user interface generator generates code for presenting said second user interaction technique in place of said first user interaction technique when the user requests access to a functionality of the computer application that had been previously accessible by said first user interaction technique;

wherein an instance of said data repository and an instance of said user interface generator (20) at each of a plurality of remote Internet sites,

wherein for each said instance, DB, of said data repository (collectively 24, 76, 84, 88 and 92), said first user interaction specification information therein identifies a user interface layout and language that is preferable to a user at the Internet site for DB.

Ground of Rejection to be Reviewed on Appeal

Claims 11 and 12 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Hanson et al. (U.S. Patent No. 5,956,736, issued September 21, 1999).

ARGUMENT

A. 35 U.S.C. § 102 - Claim 11.

The Examiner finally rejected claim 11 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Number 5,956,736 issued September 21, 1999 to Hanson et al. (hereinafter "Hanson"). Appeal of this rejection is requested.

Specifically, in the initial formulation of the rejection in the December 31, 2003 Office Action, the Examiner alleged that Hanson teaches an apparatus for providing one or more user interfaces for a computer application including, among other things, a user interface generator for accessing first user interaction specification information and generating a corresponding user interface for the computer application (Col. 6, lines 3-14 and Col. 7, line 53 – Col. 8, line 67) that generates code for presenting a second user technique (Col.6, line 56 - Col. 7, line 61 and Col 7, line 53 – Col. 8, line 67) and a user interface builder for allowing a user interface designer to create a second user interaction specification information for replacing the first user interaction specification information (Col. 8, lines 44 – Col. 9, line 31; Col. 11, lines 23-35, 60-63 and Col. 12, lines 1-18 and 49-67). Further, in the June 14, 2004 Final Office Action, the Examiner alleged that Hanson clearly teaches that a user can use an input device such as a mouse to click on, then drag and drop references to objects, properties and handlers between the various windows, editors and browsers (col. 9 lines 4-31), which means the objects of Hanson can be shared and used to create different user interfaces such as windows, editors, and browsers.

The Examiner's interpretation of the teachings of Hanson have simply been incorrect throughout the prosecution history. In each instance, the Appellants explained the deficiencies and shortcomings of the Examiner's presentations as follows. The reference in general discloses a object-oriented HTML based editor for creating Web documents. Objects are dragged and dropped into a view window to allow for manipulation of same and subsequently customization of Web documents (see Abstract). However, the reference does not include the level of detail and sophistication

of the subject invention. Specifically, the Examiner first offers that Col. 6, lines 3-14 disclose a user interface generator in accordance with the subject invention. The cited passage actually presents only a generic explanation of a computer and its parts without any additional explanation of the actual intent, usage or tasks that the computer executes. The cited portion is far too vague and general to adequately read upon a specific user interface generator for accessing user information and generating a corresponding interface therefrom. That is, there must be more disclosure provided elsewhere in the reference to determine if such computer is in fact performing such tasks or has the claimed features for executing same. It is respectfully submitted that additional commentary below will further show the deficiencies of the cited art.

Next, the Examiner offers Col. 7, line 56 – Col. 8, line 67; however, this cited section reveals only the tools and nomenclature used to create web documents and most specifically a user interface for manipulating objects to create such documents. It is respectfully submitted that these teachings are (in one interpretation) a level of sophistication further removed from the subject invention. That is, the subject invention is claiming, among other things, a user interface generator for creating the user interface and not the interface itself as revealed in the cited section of the reference. Therefore, the Examiner has either misinterpreted the reference or over generalized that which is recited as the Appellant's invention.

Next, the Examiner offers Col. 6, line 56 – Col. 7, line 61 and Col. 7, line 53 – Col. 8, line 67 as support for changes from a first data descriptor for the first user to a second data descriptor for a second user and the attendant code generation by the user interface generator for the second user. Unfortunately and as identified earlier, these cited sections do not offer sufficient teachings of a user interface generator (for the first user); they further add nothing for changing the code used by the user interface generator to create a second interface in accordance with the subject invention. That is, and as specifically discussed earlier, all cited passages by the Examiner present solely a system for building Web documents using a single interface and provides nothing with respect to an interface generator and/or builder that creates additional interfaces for additional users of a computer application.

The Examiner continues by offering Col. 8, lines 44 – Col. 9, line 31; Col. 11, lines 23-35, 60-63 and Col. 12, lines 1-18 and 49-67 as support for the user interface builder. However, it is respectfully submitted that this interpretation is still incorrect as discussed earlier. That is, the entire reference is presenting a system for building web documents or pages and is not focused or otherwise presenting detailed teachings of a user interface generator that creates different interfaces based on first and second user information. For example, at Col. 12, lines 4-11, the reference discloses how a single user can select an object edit from a Viewer window and modify the object in Object Editor window and perform other manipulations. However, there is no teaching disclosure or suggestion of a second user performing these operations or that a separate interface initially used by the first user is changed for the second user via a user interface builder in accordance with the subject invention.

In each of the specific arguments provided by the Appellant; it has been shown that the reference in general is not within the scope of the claimed invention. That is, if a word search was conducted using the search terms “user interface” or “generator” or “builder”, this reference would be part of the results of such a search. But, the reference is one step removed from the claimed invention in that it speaks of the actions and components needed to build a webpage and not an apparatus for providing a user interface for a computer application (such as the actual web page builder of Hanson) that changes based on different user specifications as claimed.

The Examiner continues to sustain his rejection based on the alleged teachings at Column 9, Lines 4-31 of Hanson and in particular with respect to the disclosure of editors and browsers. However, these particular teachings were included within the Examiner’s previous citation of Column 8, Lines 44-Column 9, Line 31 and various other portions as allegedly showing support for a user interface builder. After subsequent review of the Examiner’s present indication of the disclosure of editors and browsers, (allegedly showing that the objects of Hanson can be shared and used to create different user interfaces such as windows, editors and browsers), Appellants take the position that the Examiner’s interpretation of the reference is still incorrect. Specifically, the disclosure of windows, editors and browsers in the Examiner offered section is with

respect to the Project Builder interface whose description starts at Column 8, Lines 45-57 of Hanson. The reference very clearly indicates that the Project Builder (interface) provides for developing a web document and that user project is the work space in which a user develops a web document. "The process of building a web document consists of the general steps of designing a user interface for the web document, customizing the interface by changing properties and scripting the interface to provide a certain behavior, experimenting with the look and feel of the interface and finally, continuing with the more detailed implementation of the web documents functional requirements."

While there is a disclosure of drag and drop references to objects, properties and handlers between these various windows, editors and browsers, such are available to help build the web document and not to create new interfaces for different users. For example, there is no disclosure of a first user opening up this interface to edit a web document and then a second user opening up a completely different interface to edit the same web document. The project builder interface is simply an operational environment to create a web document. The interface itself does not change based on different users as (1) there was no discussion of same in the reference and (2) it is apparently not the function of the builder interface to change based on different users, but to allow an environment to edit a web document. The existence of different editors and browsers are some of the tools by which the web document can be edited. "For example, ... a user can click on a particular object for a period of time, such as half of a second, and a gray box appears around the name of the object. The box can be dragged to a field in an editor or window and dropped there to cause the editor a window to focus on the object." (Column 9, Lines 8-15).

The reference is very clear with respect to these distinctions further in Column 9. Specifically, detailed discussions of such editors (such as message box window 400 presented in FIG. 4 and HTML pallet window shown in FIGs. 5A and 5B) handle different editing commands. For example, the message box window handles scripting commands and the HTML pallet handles HTML objects within the web document that is being created. However, the project interface builder or generator does not change in

response to a first data descriptor being changed to a second data descriptor indicating a different second user interacting with the interface. The project builder only allows for the creation of a single web document. It is not known what happens beyond that. Therefore, it is improper for the Examiner to arrive at a conclusion of anticipation of claim 11 in the subject invention that recites at least the feature of, "a user interface builder for allowing a user interface designer to create a second user interaction specification information for replacing said first user interaction specification information in said data repository." That is, since there is only a discussion of the creation and editing of a single web document, it is simply not known, taught or disclosed if the project builder takes on a different "look" or "feel" if a second user interacts with the web document being built because that is not the intent or focus of Hanson. Hanson is merely interested in presenting a single interface that enjoys all the benefits of drag and drop techniques to create the single web document. Therefore, it is respectfully submitted that Hanson does not anticipate the subject invention. The prior art must be such that a person of ordinary skill in the field of the invention would consider there to be no difference between the claimed invention and the reference disclosure. In other words, the prior art reference must put the claimed invention in the hand of one skilled in the art.

The Board is directed to the fact that the cited reference, Hanson, fails to teach the user interface generator and user interface builder, in claim 11 of Appellant's invention. For prior art to anticipate under 35 U.S.C. § 102, every element of the claimed invention must be identically disclosed in a single reference. See Corning Glass Works v. Sumitomo Electronic, 9 U.S.P.Q. 2d 1962, 1965 (Fed Cir. 1989). The exclusion of a claimed element, no matter how insubstantial or obvious, from a prior art reference is enough to negate anticipation. See Connell v. Sears, Roebuck & Co., 220 U.S.P.Q. 193, 198 (Fed. Cir. 1983). For the reasons provided above, Hanson clearly fails to identically disclose each and every limitation of claim 11 as required in Corning and Connell.

B. 35 U.S.C. § 102 - Claim 12.

The Examiner formulated a nearly identical rejection to that of claim 11 for claim 12. The additional distinction is that the feature of first user interaction specification information identifying a user interface layout and language that is preferable to a user at an Internet Site for an instance DB was rejected based upon the alleged teachings of Hanson at Col. 6, Lines 5-13, Col. 13, Lines 61-64 and Col. 14, Lines 20-26. Appeal of this rejection is requested.

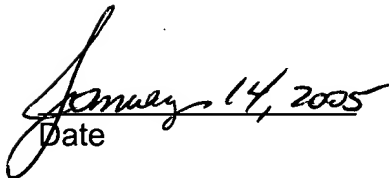
Claim 12 contains identical language to that of Claim 11 with respect to the feature of “for a change in said first user interaction specification information within said data repository such that a first data descriptor for a first of said first user interaction techniques is changed in said first user interaction specification information to a second data descriptor for a different second user interaction technique during an activation of the computer application, said user interface generator generates code for presenting said second user interaction technique in place of said first user interaction technique when the user requests access to a functionality of the computer application that had been previously accessible by said first user interaction technique.” Since the feature has not been shown in Hanson with respect to the rejection of Claim 11, the same arguments against anticipation also hold true for Claim 12. Other distinguishing features are likewise not taught by Hanson. Therefore, it is respectfully submitted that Hanson does not anticipate the subject invention.

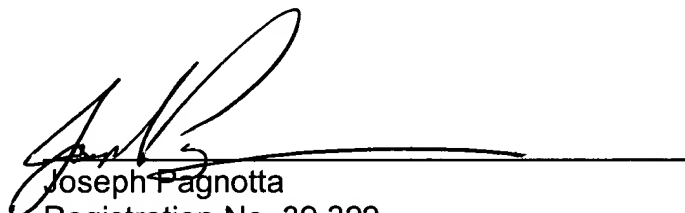
Conclusion

Thus, the Appellants submits that none of the claims presently in the application are obvious under the provisions of 35 U.S.C. § 102. Consequently, the Appellants believes all these claims are presently in condition for allowance.

For the reasons advanced above, Appellants respectfully urge that the rejections of claims 1-38 as being obvious under 35 U.S.C. §102 are improper. Reversal of the rejections of the Final Office Action is respectfully requested.

Respectfully submitted,


Date


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CLAIMS APPENDIX

11. An apparatus for providing one or more user interfaces for a computer application, comprising:

a data repository for storing first user interaction specification information providing data for substantially defining one or more instances of user interaction techniques for presentation to a user interacting with a computer application, wherein each said user interaction technique has a distinct collection of user interactions for allowing a user to request a performance of one of a predetermined one or more actions provided by the technique for accessing a functionality of the computer application;

a user interface generator for accessing said first user interaction specification information and generating a corresponding user interface for the computer application, wherein with each activation of the computer application, said user interface generator generates said corresponding user interface;

wherein for a change in said first user interaction specification information within said data repository such that a first data descriptor for a first of said first user interaction techniques is changed in said first user interaction specification information to a second data descriptor for a different second user interaction technique during an activation of the computer application, said user interface generator generates code for presenting said second user interaction technique in place of said first user interaction technique when the user requests access to a functionality of the computer application that had been previously accessible by said first user interaction technique; and

a user interface builder for allowing a user interface designer to create a second user interaction specification information for replacing said first user interaction specification information in said data repository, wherein said user interface builder has a user interface wherein the designer is able to drag and drop graphical representations of user interaction controls onto a page of said second user interface.

12. An apparatus for providing one or more user interfaces for a computer application, comprising:

a data repository for storing first user interaction specification information providing data for substantially defining one or more instances of user interaction techniques for presentation to a user interacting with a computer application, wherein each said user interaction technique has a distinct collection of user interactions for allowing a user to request a performance of one of a predetermined one or more actions provided by the technique for accessing a functionality of the computer application;

a user interface generator for accessing said first user interaction specification information and generating a corresponding user interface for the computer application, wherein with each activation of the computer application, said user interface generator generates said corresponding user interface;

wherein for a change in said first user interaction specification information within said data repository such that a first data descriptor for a first of said first user interaction techniques is changed in said first user interaction specification information to a second data descriptor for a different second user interaction technique during an activation of the computer application, said user interface generator generates code for presenting said second user interaction technique in place of said first user interaction technique when the user requests access to a functionality of the computer application that had been previously accessible by said first user interaction technique;

wherein an instance of said data repository and an instance of said user interface generator at each of a plurality of remote Internet sites, wherein for each said instance, DB, of said data repository, said first user interaction specification information therein identifies a user interface layout and language that is preferable to a user at the Internet site for DB.

EVIDENCE APPENDIX

None

RELATED PROCEEDINGS APPENDIX

None.